

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-22458-2022
Date of decision : 27.05.2022

Kishan Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Punit Malik, Advocate
for the petitioner.

Mr.Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J.(ORAL)

Prayer in the present petition is for grant of regular bail to the petitioner in FIR No.14 dated 16.02.2021, under Sections 419, 420, 467, 468, 471 and 120-B of the Indian Penal Code, 1860 and Section 66-D of the Information Technology Act, 2008, registered at Cyber Crime Police Station, Gurugram.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 16.02.2021 and the challan has already been presented and there are 26 prosecution witnesses and none of them have been examined, thus, the trial is likely to take time. It is further submitted that the case is triable by a Magistrate and the petitioner is not involved in any other case. It is further submitted that recovery of two gold bricks worth Rs.50 lacs each approximately have already been effected from the petitioner and recovery of Rs.44 lacs and one gold bar/brick of 1 kg. has

Gupta, who has been granted bail by this Court vide order dated 15.03.2022 passed in CRM-M-20076-2021. It is further submitted that the third accused, i.e. Saurav Palanwal @ Sumit Sharma @ Passu has also been granted regular bail by coordinate Bench of this Court vide order dated 10.11.2021 passed in CRM-M-30706-2021 and from him also, recovery of Rs.8.5 lacs has been effected.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that in the present case, the complainant has been duped for an amount of Rs.2,38,20,000/- and it is submitted that since the recovery has been effected from the present petitioner, the same would show that he is prima facie involved in the present case. It is also submitted that the account, in which money has been deposited, is also in the name of M/s ARMB which is a sole proprietorship and the present petitioner is the proprietor.

This Court has heard learned counsel for the parties and has perused the record.

The petitioner has been in custody since 16.02.2021 and the challan in the present case has already been presented. There are 26 prosecution witnesses, out of which, none have been examined, thus, the trial is likely to take time. The case is triable by the Magistrate. Recovery of two gold bars/bricks has already been effected from the present petitioner and further recovery of Rs.44 lacs and one gold bar/brick of 1 kg has been effected from co-accused Rakesh Varshney @ Rakesh Gupta who has already been granted regular bail by this Court vide order dated 15.03.2022 passed in CRM-M-20076-2021. The third accused Saurabh Palanwal @ Sumit Sharma @ Passu has also been granted regular bail by a coordinate

bench of this Court vide order dated 10.11.2021 passed in CRM-M-30706-2021 and from him also, recovery of Rs.8.5 lacs has been effected.

Keeping in view the above said facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other case.

However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

May 27, 2022
Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No